

IDEM

Nonrule Policy Document

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Title: Documenting Generator Tank Inspections

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Citations Affected: 40 CFR

Brief Description of Subject Matter: The language at 40 CFR 262.34 specifies that generators may accumulate hazardous waste in tanks provided that the generator complies with Subpart J of 40 CFR part 265. Subpart J, section 265.195 (c), specifies that many components of the tank system must be inspected on a daily basis and that "The owner or operator **must document in the operating record** of the facility an inspection of those items in paragraphs (a) and (b) of this section."

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DOCUMENTING GENERATOR TANK INSPECTIONS

The language at 40 CFR 262.34 specifies that generators may accumulate hazardous waste in tanks provided that the generator complies with Subpart J of 40 CFR part 265. Subpart J, section 265.195 (c), specifies that many components of the tank system must be inspected on a daily basis and that "The owner or operator **must document in the operating record** of the facility an inspection of those items in paragraphs (a) and (b) of this section". While part 265.195 clearly applies to TSD's, this last statement has caused some confusion about the requirement for generators to document daily inspections of hazardous waste tanks. Generally, **generators are not required to maintain an operating record**; however, it is the position of IDEM that the inspections must be documented by both TSD's for permitted tanks and by generators for accumulation tanks.

IDEM bases this position on the intent of the rule that is discussed in the tank rule preamble. The preamble to the final tank rule (51 FR 25453-4, July 14, 1986), in a discussion about inspections, states that:

"... the final regulation at 265.195 requires that owner/operators of interim status facilities and **accumulation** tank systems maintain records of required inspections as was proposed for permitted hazardous waste tank systems in 264.195"

Because only generators have **accumulation** tanks, it is clear that the requirement to document inspections of accumulation tank systems applies to generators. This is also supported in the Tank Systems Inspection Manual (OSWER 9938.4) where, under a discussion of recordkeeping and inspection logs, it states: "The regulations require that generators operating 90-day accumulation tank systems maintain detailed records documenting ... the operation and maintenance of the system." The manual then provides checklist entries for indicating whether generator inspections were documented or not.

Additionally, the language in 262.34 specifies the portions of the Subpart J tank rules generators do not have to comply with (closure and waste analysis plan). IDEM recognizes that it may be confusing when the language at 265.195 (c) refers to an operating record, which is normally associated only with TSD's and not generators. However, 40 CFR 265.195 does require that generators document inspections of hazardous waste tank systems.

If you need additional information, or have any questions or concerns, please contact staff of the Compliance and Response Branch, Office of Land Quality at 317/308-3103. The IDEM toll-free telephone number is 1-800-451-6027.